REMARKS

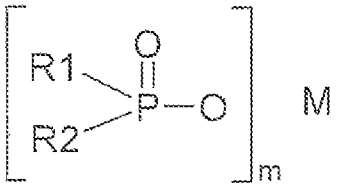
Responsive to the outstanding Office Action, applicant has carefully studied the Examiner's rejections and the comments relative thereto. Favorable reconsideration of the application is respectfully requested in light of the amendments and following detailed arguments.

In the response, claim 11 has been amended and claim 18 has been canceled. It is respectfully submitted that no new matter has been presented in these amendments.

Rejections under 35 USC 103

Claims 11, 13 and 17-20 are again rejected under 35 USC 103 as being unpatentable over Saga (US 2005/0113496) in view of the previously cited Sugino reference and further in view of Schmid (US 4,963,610).

Independent claim 11 has been amended herein. Independent claim 11, as amended, defines a flameproof polyamide molding compound. The compound comprises 20 - 80% by weight of one or more aliphatic polyamides and 1 - 40% by weight of one or more partly aromatic polyamides, which are selected from the group consisting of polyamides, the periodical units of which are derived from terephthalic acid and isophthalic acid and adipic acid and also hexamethylene diamine, and 5 – 15% by weight of a flameproofing agent, containing a



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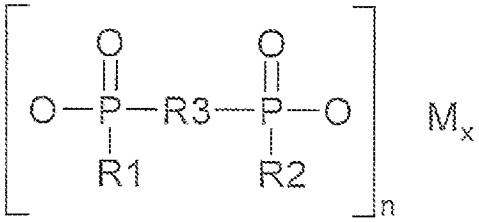


(2)

phosphinic acid salt of formula (I) and/or a diphosphinic acid salt of formula (II) and/or polymers thereof. R^1, R^2 are the same or different and is C_1-C_6 alkyl, linear or branched, and/or aryl; and R^3 is C_1-C_{10} alkylene, linear or branched, C_6-C_{10} arylene, -alkyl arylene or aryl alkylene and M is metal ion from the 2nd or 3rd main or auxiliary group of the periodic table. Further m is 2 or 3, n is 1 or 3, and x is 1 or 2. The compound further comprises 5 - 60% by weight of a fibre- or particle-like filler or mixtures thereof and 0.05 - 10% by weight by additional additives wherein the sum of the proportions is 100% by weight. The additional additives are selected from the group consisting of stabilizers, processing aids, anti-dripping agents, colorants and pigments.

Claim 11, as noted above, has been amended to more precisely show the compounds utilized and the ratios of components in the invention. It is respectfully submitted that no reasonable combination of the applied references show the compound as claimed in claim 11 as amended.

Saga describes a flame retardant composition comprising 20-90% of (A) polyamide and (B) phenolic resin, wherein the ratio of (A) to (B) is between 99:1 and

40:60 by weight. These ratios clearly define that the presence of the phenolic resin is strictly required.

Further, while paragraphs 0015-0017 of the description describe various polymers (copolymers and homopolymers), containing different monomers, nothing discloses 20-80% by weight of one or more aliphatic polyamides, 1-40% by weight of one or more partly aromatic amides, selected from the group consisting of polyamides, the periodical units of which are derived from terephthalic acid and isophtalic acid and adipinic acidand also hexamethylene diamine as discloed in the present invention. Not only are these not disclosed, there is no suggestion of any form to select these specific types of polymers claimed in the present invention.

The Examiner concedes that Saga fails to teach the exact amount of aliphatic polyamide and aromatic polyamides as claimed. Saga also does not teach the amount of additional additives claimed.

The Examiner states that Saga requires the presence of a phenolic resin. From paragraph [0008] of Saga, the Examiner determines the amount of phenolic resins to be between 0.2 wt % to 54 wt %. The Examiner has equated these resins as being comparable to the compounds found in claim 11 (e) of the present invention.

As amended, it is clear that the compounds represented in (e) are clearly distinguishable from the phenolic resins of the Saga reference. Phenolic resins do not match any of the claimed stabilizers, processing aids, anti-dripping agents, colorants and pigments, and as such are not equitable to the materials defined in claim 11(e). The present invention defines a polyamide composition which uses as polymeric

materials only polyamides, per se, and no other polymeric materials such as phenolic resins (e.g. Novolac resins, etc).

The phenolic resins of Saga (see[0024]) can act as char former when the composition is burned and also reduce the moisture absorbed by these compositions. This differs from the additives defined in the present invention as claimed in claim 11(e).

It is noted that the method of Sugino is discussed in the specification of the present application. It is noted therein that the Sugino reference utilizes red phosphorous in its flame retardant composition. The present invention avoids the use of red phosphorous as it is not a preferred material for use in making a flame retardant. Specifically, considerable safety precautions must be taken with the use of red phosphorous in manufacturing because of the potential production of the toxic phosphine. Additionally, the use of red phosphorous is limiting in that it introduces an inherent dark color into the molding composition which may not be desired for a particular application. This color can prevent preferred colors from later being manufactured.

It is respectfully submitted that one skilled in the art would not be motivated to combine the Sugino and Saga references, and even if he did, this combination would not teach the present claimed invention to one skilled in the art. Saga does not disclose any teaching combining specific amounts of aliphatic and aromatic polyamides. Instead, there are only general statements that the y can be used. Sugino teaches partly aromatic and aliphatic polyamides in the amount of 10:90 to 90:10. This range is so broad that one skilled in the art would not derive the particular ratios claimed in the present invention outside of significant experimentation. There is nothing in this

reference which would lead one skilled in the art to the proportions claimed in the present claim 11.

The Examiner cites Schmid to show up to 20% of the usual additives, including pigments and stabilizers. It is respectfully submitted that nothing in Schmid effects the analysis above, with respect to the aliphatic and aromatic polyamides. However, it should also be noted that Schmid requires 40-70 wt % magnesium hydroxide. It is respectfully submitted that one skilled in the art would not look to this reference in any case, as this significant proportion of magnesium hydroxide is unrelated to the components of the present invention. One skilled in the art using the components of the present invention would not look to Schmid relative to additives, when the base compositions are so significantly different.

As noted hereinabove, the primary reference does not disclose the additives claimed herein, and the additives described therein are not comparable. Neither of the secondary references add anything to show these additives.

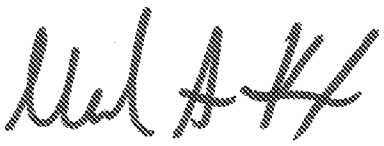
Claim 11, as noted above, has been amended to more precisely show the compounds utilized and the ratios of components in the invention. It is respectfully submitted that no reasonable combination of the applied references show the compound as claimed in claim 11 as amended.

In view of this, and in view of the improved properties of the invention relative to the applied reference, as discussed above, It is respectfully submitted that no reasonable combination of the applied references yield the invention as claimed in claim 11. One skilled in the art would not come to the teachings of the present invention from the references cited.

Claims 13-15, 17 and 19-20, which depend directly or indirectly from independent claim 11, are believed to be allowable based, at least, upon this dependence.

Should the Examiner wish to modify the application in any way, applicant's attorney suggests a telephone interview in order to expedite the prosecution of the application.

Respectfully submitted,



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